

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HEIDI PICKMAN, acting as a private Attorney  
General on behalf of the general public of the state  
of California,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY; AMERICAN  
EXPRESS TRAVEL RELATED SERVICES, INC.;  
AMERICAN EXPRESS CENTURION BANK; and  
AMERICAN EXPRESS BANK, FSB,

Defendants.

No. C 11-05326 WHA

**ORDER DENYING STIPULATION  
TO VACATE ORDER;  
RELIEVING PLAINTIFF  
OF REQUIREMENT TO PAY  
AWARD OF ATTORNEY'S  
FEES AND COSTS**

In this action for violation of California's Consumers Legal Remedies Act, defendants' motion to dismiss the complaint was granted and judgment was entered against plaintiff on January 31, 2012 (Dkt. Nos. 24 and 25). By order dated April 17, 2012, defendants' motion for attorney's fees and costs was granted (Dkt. No. 42). The order found that defendants were entitled to attorney's fees under California Civil Code Section 1780(e) and to costs as the prevailing party. Accordingly, defendants were ordered to file detailed declarations regarding their fees and costs and the parties were ordered to meet and confer to try to resolve any differences as to the amount to be awarded (Dkt. No. 43). By order dated June 7, and pursuant to stipulation of the parties, the Court awarded defendants \$15,000 in attorney's fees and \$1,005.60 in costs, all to be paid by plaintiff Heidi Pickman (Dkt. No. 54).


The parties now have filed a stipulation stating that the parties have reached a settlement and requesting that the Court vacate the June 7 order awarding attorney's fees and costs.

1 Pursuant to Rule 60(b), plaintiff is hereby relieved of any obligation to pay defendants the fees  
2 and costs set by the June 7 order. Defendants may not seek from plaintiff any of the fees and  
3 costs (or interest thereon) set forth in the June 7 order.

4 This order does not affect the April 17 order finding that attorney's fees and costs could  
5 properly be awarded to defendants; nor does it affect, modify or set aside the dismissal order or  
6 judgment previously entered herein.

7  
8 **IT IS SO ORDERED.**

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10 Dated: March 7, 2013.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE